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Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Ninety-sixth session
Item 6 (a) of the provisional agenda
Proposals for amendments to Annexes A and B of ADR: construction and approval of vehicles

Type approval of vehicles and their components

Transmitted by the European Union[1]

Summary

Executive summary: Following a streamlining of type-approval legislation a number of European Union directives will become obsolete in 2014.

Action to be taken: Various amendments to ADR, consisting largely of deleting references that are becoming obsolete.

Introduction

1. Regulation (EC) 661/2009 *concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor* seeks to simplify type-approval legislation in line with the recommendations contained in the final report of the CARS 21 High Level Group. Technical Directives are being replaced where appropriate with references to the

[1] The present document is submitted in accordance with paragraph 1(c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to "develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)".

corresponding ECE Regulations (UN Regulations), as incorporated into European Union law in accordance with Decision 97/836/EC.

Regulation (EC) 661/2009 consequently repeals 49 directives with effect from 1 November 2014 and one directive effective from 1 November 2017.

Several of the repealed directives are referenced in the Annexes A and B to the *European Agreement concerning the International Carriage of Dangerous Goods by Road* (ADR).

2. Article 19(3) of Regulation (EC) 661/2009 specifies that "References to the repealed Directives shall be construed as references to this Regulation".

There will be thus no formal or legal uncertainty from 1 November 2014 onwards even if the old references are kept. However, in the spirit of maintaining a text that is easy to understand and to benefit from the simplification process certain references could be removed. Furthermore, the reference to Directive 97/27/EC regarding vehicle categories would more appropriately be replaced by a reference to Directive 2007/46/EC, as amended.

3. Some references are retrospective and it is advisable not to alter those texts as long as the transitory nature remains. This applies not only to Chapter 1.6 but also to certain references in Chapter 9.

4. Some Contracting Parties may point out that the deletion of certain references to the EU directives bringing create legal uncertainty on the use of vehicles and on the validity of certificates of approval of vehicles which conform to model 9.1.3.5 valid until 31 December 2014. It might be advisable to address this issue creating a new transitional measure to 1.6.5 and amending the transitional measure 1.6.5.10.

Proposal

5. The proposal is annexed to this working document in a table format.

Justification

6. These modifications are of editorial nature and they do not have impact on the requirements imposed on vehicles.

Annex

Proposal

Reference in ADR	*Directive*	*Observations*	*Suggested change*
1.6.5.7	98/91/EC	Transitional provision referring to vehicles type-approved before 2003	{no change}
1.6.5.XX		Transitional measure referring to the use of vehicles first registered or entered into service before 1 November 2014.	{add a transitional provision} " As regards the application of provisions of Part 9, vehicles first registered or entered into service before 1 November 2014 and which have been approved according to the provisions of the directives repealed by the Regulation (EC) No. 661/2009, may continue to be used." {add a new footnote to the new transitional measure "….Regulation (EC) No. 661/2009"} Regulation (EC) 661/2009 of 13 July 2009 (Official Journal L 200 of 31.7.2009, p. 1
1.6.5.10		The "Model for certificate of approval for vehicles carrying certain dangerous goods" described in 9.1.3.5 will be modified (see amendment below). The transitional provision adds a sentence to allow the use of the certificate for vehicles 9.1.3.5 issued before 1 January 2015.	{add a new sentence to the end of the transitional provision 1.6.5.10} Certificates of approval which conform to the model shown in 9.1.3.5 applicable from 1 January 2009 up to 31 December 2014 may continue to be used.
9.1.1.2	98/91/EC	Definition of a type-approved vehicle	"Type-approved vehicle" means any vehicle which has been approved in accordance with ECE Regulation No. 105~~—or Directive 98/91/EC~~ .
9.1.1.2 footnote 3	98/91/EC	Formal reference	{delete footnote}

Reference in ADR	*Directive*	*Observations*	*Suggested change*
9.1.2.2		Requirements for type-approved vehicles	…certificate has been issued by a competent authority in accordance with ECE Regulation No. 105 ~~or Directive 98/91/EC~~ provided that the technical requirements of the said Regulation ~~or the said Directive~~ correspond to…
9.1.2.2 footnote 3	98/91/EC	Formal reference	{delete footnote}
9.1.3.5 footnote 1	97/27/EC	The provisions on masses and dimensions have not been replaced by any UN-ECE regulation. For masses and dimensions the EU legislation is provided by Commission Regulation (EU) 1230/2012. However, this reference is regarding vehicle categories, which are defined in Directive 2007/46/EC.	… Construction of Vehicles (R.E.3) or in ~~Directive 97/27/EC~~ Directive 2007/46/EC, as amended
9.2.1.1	71/320/EEC	Provision with a retrospective reference since 1997. These vehicles are not subject to 9.1.2.3 (annual technical inspection) or 9.1.3 (certificate of approval).	{no change}
9.2.1.1	92/24/EEC	Provision with a retrospective reference since 2008. These vehicles are not subject to 9.1.2.3 (annual technical inspection) or 9.1.3 (certificate of approval)	{no change}
9.2.3.1.1	71/320/EEC	Braking equipment	… technical requirements of ECE Regulation No.13 ~~or Directive 71/320/EEC, as amended,~~ in accordance …
9.2.3.1.1 footnote 5	71/320/EEC	Formal reference	{delete footnote}
9.2.4.7.1	2001/56/EC	Combustion heaters	… ECE Regulation No. 122, as amended ~~, or of Directive 2001/56/EC, as amended,~~ in accordance …
9.2.4.7.1 footnote 7	2001/56/EC	Formal reference	{delete footnote}

Reference in ADR	*Directive*	*Observations*	*Suggested change*
9.2.5 footnote 8	92/24/EEC	Speed limitation devices, as an alternative to UN-ECE Regulation 89	~~As an alternative, the corresponding provisions of directive 92/24/EEC of the Council of 31 March 1992 (originally published in the Official Journal of the European Communities No. L 129 of 14.05.1992), as amended, may apply provided that they have been amended in accordance with the latest amended form of ECE Regulation No. 89 applicable at the time of the vehicle approval~~.
9.2.6	94/20/EC	Coupling of trailers	… of ECE Regulation No. 55 ~~or Directive 94/20/EC, as amended,~~ in accordance …
9.2.6 footnote 10	94/20/EC	Formal reference	{delete footnote}